IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

A.O.NO.546 OF 2005

IN

NOTICE OF MOTION 3814 OF 2004

Dani Sadan Co-op. Hsg.
Society Ltd. .. Appellant

vs.

Brihan Mumbai Mahanagar
Palika & Anr. .. Respondents

Mr.Ravi Kadam i/b. Hariani & Co. for the Appellant.

Mr.V.A. Thorat for the Respondent.

CORAM : A.S.OKA, J.

DATED : 2nd May, 2005.

P.C. :

1. The learned Counsel appearing for the Appellants states that the Appellants desire to withdraw this Appeal from Order as the Appellants desire to file a substantive suit for claiming appropriate reliefs. He states that order directing the parties to maintain status-quo passed by the learned trial Court on 16th February, 2005 be continued for a reasonable time to enable the Appellants to file a substantive suit.

2. The said prayer is opposed by the learned Counsel appearing for the Respondent No.2. He pointed out that no relief is claimed against Respondent No.2 in the suit and the order dated 16th February, 2005 was passed only because the parties had shown willingness to go for mediation. He, therefore, submits that order of status-quo cannot be continued.

3. I have considered the submissions. From 16th February 2005, till today the order directing the parties to maintain status-quo is operating. In this view of the matter the said order deserves to be continued for a period of four weeks.

4. Hence, I pass the following order:

a) Appeal is dismissed as withdrawn.

b) Parties will maintain status-quo as of 16th February, 2005 for a period of four weeks from today.

c) All contentions of the parties in the pending suit are expressly kept open.

d) The Counsel appearing for the Appellant states that 48 hours notice will be given to the Respondent No.2 of the application made in the substantive suit.

. Parties to act on the authenticated copy of this order.

(A.S.Oka, J.)